IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 653 OF 2004
IN
Summary SUIT NO. 1836 OF 2004

Jai Sushil Motishaw . .... Plaintiff
vs.
Smt. Monica M. Patel . ... Defendant

R. V. Govilkar for Plaintiff
D. D. Shukla for defendant

CORAM: S. U. KAMDAR J.

Date: 28/9/2005

P.C.

The present suit is filed on two payment vouchers which are at Exhibits “A” and “B”. learned advocate for the Plaintiff states that in view thereof there is a written contract of loan. I am afraid that the said contention can be accepted because by virtue of payment of interest a transaction of loan be based on the basis of a written contact can be made out. In my view the suit is not maintainable as a summary suit.

Summons for Judgment dismissed. Unconditional leave to defend.

Suit transferred to the list of Commercial causes. Written statement or points of defence to be filed four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.

(S. U. KAMDAR J.)